

REMARKS

Applicants reply to the final Office Action dated August 18, 2009 within two months. The Examiner rejects all pending claims. Applicants cancel claim 20-22 without prejudice or disclaimer to filing one or more claims having the same subject matter. Support for the amended claims may be found in the originally-filed specification, figures and claims. Applicants respectfully request reconsideration in view of the above amendments and the following remarks.

Applicants thank the Examiner for clarifying the 112 concerns in the discussion with Applicants' counsel on October 13, 2009. The Examiner agreed that if Applicants use the terms from the specification, then the 112 rejections would be obviated.

Claim Rejections under 35 U.S.C. § 112, first paragraph

Claims 1-6 and 10-22

The Examiner rejects claims 1-6 and 10-22 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that the terms "travel threshold," "minimum travel purchase threshold," "minimum travel trip threshold" and "travel goal" as recited in various claims was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully disagree with this rejection.

For example, paragraph [0038] of the present specification recites the following:

The system will also allow for load leveling with GDSs to meet minimum contractual transaction amounts. For example, the particular GDS accessed by the travel counselor can be manipulated such that travel transactions can be moved around from GDS to GDS in order to meet minimum transaction amounts. This can be accomplished by changing the GDS accessed by the travel counselor (this is transparent to the travel counselor).

Paragraph [0038] thus discloses which GDS is accessed may be selected based upon a "minimum transaction amount." The terms "travel threshold," "minimum travel purchase threshold," "minimum travel trip threshold" and "travel goal" refer to the "minimum transaction amount" disclosed in, at least, paragraph [0038]. To clarify the claims and expedite prosecution, Applicants amend claims 1, 4 and 10 to include "a minimum transaction amount." Claims 20-22

are now canceled. Accordingly, Applicants submit that claims 1-6 and 10-19 comply with 35 U.S.C. 112, first paragraph and request the withdrawal of the rejection. Applicants submit that the rejection of claims 20-22 is moot.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-6 and 10-22

The Examiner rejects claims 1-6 and 10-22 under 35 U.S.C. 112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that the terms “travel threshold,” “minimum travel purchase threshold,” “minimum travel trip threshold” and “travel goal” as recited in various claims is indefinite. Applicants respectfully disagree with this rejection.

To clarify the claims and expedite prosecution, Applicants amend claims 1, 4 and 10 to include “a minimum transaction amount,” which, as shown above, has explicit support in the specification. Claims 20-22 are now canceled. Accordingly, Applicants submit that claims 1-6 and 10-19 comply with 35 U.S.C. 112, first paragraph and request the rejection be withdrawn. Applicants submit that the rejection of claims 20-22 is moot.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 4, 10, 13-16 and 19-22

The Examiner rejects claims 1, 4, 10, 13-16 and 19-22 as unpatentable under 35 U.S.C. § 103(a) over U.S. Patent Publication 2003/0120526 by Altman et al. (“Altman”), in view of U.S. Patent No. 6,023,679 to Acebo et al. (“Acebo”), WIPO publication WO 02/29672 by Rosenbluth International (“Rosenbluth”), U.S. Patent No. 5,948,040 to Delorme et al. (“Delorme”). Applicants respectfully disagree with these rejections, but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

On page 14 of the outstanding Office Action, the Examiner asserts that the Examiner, “need not give patentable weight to descriptive material absent a new and unobvious functional relationship between the descriptive material and the substrate. See *In re Lowry*, 32 F.3d 1336, 1338, 70 USPQ2d 1862, 1863-64 (Fed. Cir. 2004).” Applicants respectfully disagree with the accuracy of this assertion.

Data structures impose a physical organization on data and, therefore, are not “descriptive material.” See *In Re Lowry*, 32 F.3d. 1579, 1583. The Federal Circuit, in the *In Re Lowry* opinion, found that, “Lowry's data structures are physical entities that provide increased efficiency in computer operation...[t]hey are not analogous to printed matter...[t]he Board is not

at liberty to ignore such limitations.” *Id* at 1584. Applicants further note that the MPEP § 2106.01, recites, “[h]owever, USPTO personnel need not give patentable weight to printed matter absent a new and unobvious functional relationship between the printed matter and the substrate. See *Lowry*, 32 F.3d 1583-84, 32 USPQ2d 1035” Applicants respectfully assert that “printed matter” is not implicated in the present claims. Accordingly, Applicants submit that the Examiner reconsider, at least, the claimed data structures.

Altman, Acebo, Rosenbluth, and Delorme are discussed in previous replies. Altman generally discloses a system for booking travel arrangements. See Abstract. Altman’s system includes trip expense approval and a booking function. See paragraphs [0011]-[0015]. Altman’s system may retain, “past travel history.” See paragraph [0034]. Further Altman discloses the use of a “preferred carrier.” See paragraph [0070].

Applicants’ claim 1 includes, at least, “wherein the point of service terminal is configured to route, via the technology provider, a travel request to at least one of the plurality of data distribution systems based upon a comparison of the past travel information and the negotiated contractual terms such that the fulfillment of the travel request complies with the negotiated contractual terms,” as similarly recited in present claims 4 and 10. Altman may disclose the use of a preferred carrier such that the preferred carrier is suggested to the traveler upon the making of a new travel request. Significantly, the preferred carrier is static, as no provision in Altman discloses or contemplates that a preferred carrier’s preferred status may change. Altman may also disclose the retention of a past travel history. However, Altman does not disclose or contemplate the routing of a new travel request by a technology provider to a particular GDS based upon a comparison of past travel information and negotiated contractual terms. Such a configuration provides, in part, real time enforcement of contracts and enables a travel purchasing entity to more efficiently and effectively procure travel, while fully realizing any negotiated contractual benefits. Altman may suggest a particular carrier to travelers over multiple travel requests, but the present claims allow for dynamic carrier selection based upon a comparison of past travel history and present contractual requirements.

Accordingly, Applicants respectfully request that the rejection of claims 1, 4 and 10 be withdrawn.

Dependent claims 13-16 and 19 variously depend from independent claims 1, 4 and 10, so Applicants assert that dependent claims 13-16 and 19 are patentable for at least the same reasons for differentiating independent claims 1, 4, and 10 as well as in view of their own

respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 20-22 are canceled so the rejection of those claims is moot and should be withdrawn.

Claims 2-3, 5-6 and 11-12

The Examiner rejects claims 2-3, 5-6 and 11-12 as unpatentable under 35 U.S.C. § 103(a) over Altman, Acebo, Rosenbluth, Delorme, and U.S. Patent Publication 2001/0049693 by Pratt et al. ("Pratt"). Applicants respectfully disagree with these rejections, but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

Altman, Acebo, Rosenbluth, Delorme are discussed above. Pratt discloses an automated data processing system using relational database technology. The disclosures and contemplations of Pratt do not cure the deficiencies of Altman, Acebo, Rosenbluth, Delorme. Moreover, dependent claims 2-3, 5-6 and 11-12 variously depend from independent claims 1, 4, and 10, so Applicants assert that dependent claims 2-3, 5-6 and 11-12 are patentable for at least the same reasons for differentiating independent claims 1, 4 and 10, as well as in view of their own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 17

The Examiner rejects claim 17 as unpatentable under 35 U.S.C. § 103(a) over Altman, Acebo, Rosenbluth, Delorme, and Russell Straayer: "Overview of Frame Relay" (March 1997)("Straayer"). Applicants respectfully disagree with these rejections, but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

Altman, Acebo, Rosenbluth, and Delorme are discussed above. Straayer discloses frame relay systems. The disclosures and contemplations of Straayer do not cure the deficiencies of Altman, Acebo, Rosenbluth, and Delorme. Moreover, dependent claim 17 variously depends from independent claims 1, and Applicants thus assert that dependent claim 17 is patentable for at least the same reasons for differentiating independent claims 1, as well as in view of its own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 18

The Examiner rejects claim 18 as unpatentable under 35 U.S.C. § 103(a) over Altman, Acebo, Rosenbluth, Delorme, Straayer, and Techfest: "Asynchronous Transfer Mode Overview"

(August 17, 2000) ("Techfest"). Applicants respectfully disagree with these rejections, but Applicants amend the claims in order to clarify the patentable aspects of the claims and to expedite prosecution.

Altman, Acebo, Rosenbluth, Delorme, and Straayer are discussed above. Techfest discloses asynchronous transfer modes. The disclosures and contemplations of Techfest do not cure the deficiencies of Altman, Acebo, Rosenbluth, Delorme, and Straayer. Moreover, dependent claim 18 variously depends from independent claims 1, and Applicants thus assert that dependent claim 18 is patentable for at least the same reasons for differentiating independent claims 1, as well as in view of its own respective features. Accordingly, Applicants respectfully request that this rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all of the pending claims are allowable over the cited references. Reconsideration of the application is respectfully requested. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, the Examiner is invited to contact the undersigned at the Examiner's convenience. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814, including any required extension fees.

This statement does not authorize charge of the Issue Fee.

Respectfully submitted,

Dated: October 19, 2009

By:  _____

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